

Tayyab Rehan Siddiqui
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CV 08

1250

TAYYAB REHAN SIDDIQUI,

Plaintiff, Pro Se

vs.

DAVID STILL, District Director, U.S.
Department of Homeland Security, Bureau of
Citizenship and Immigration Services, San
Francisco District; M. FRANCIS HOLMES,
District Director, U.S. Department of
Homeland Security, Bureau of Citizenship and
Immigration Services, Buffalo District;
MICHAEL CHERTOFF, U.S. Secretary of
Homeland Security; ROBERT S. MUELLER
III, Director of the Federal Bureau of
Investigation; MICHAEL MUKASEY,
Attorney General of the United States;
EMILIO T. GONZALEZ, Director, U.S.
Department of Homeland Security, Bureau of
Citizenship and Immigration Services

Defendants

Case No.:

COMPLAINT FOR
HEARING ON NATURALIZATION
APPLICATION PURSUANT TO 8 USC
1447(B)

JCS

JURISDICTION

1. This Court has subject matter jurisdiction over this petition, the Defendants having failed to comply with 8 U.S.C. §1447(b) to make a determination within 120 days after conducting a hearing.

2. There are no administrative remedies available to Plaintiff to redress the grievances described herein.

VENUE

3. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) and § 1391(e)

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COMPLAINT FOR HEARING ON NATURALIZATION APPLICATION PURSUANT TO
8 USC 1447(B)

1 because Defendants are officers or employees of agencies of the United States government,
2 acting in their official capacity under color of legal authority, and a substantial portion of the
3 events and omissions giving rise to the claims herein occurred in this District, and plaintiff
4 resides in this District. No real property is involved in this action.

5 INTRODUCTION

6 4. Plaintiff Tayyab Rehan Siddiqui is a long-time lawful permanent resident of the
7 United States. He has sought to become a citizen of this country by applying for naturalization,
8 having met all statutory requirements. However, despite successfully undergoing his
9 naturalization interview and clearing criminal background checks more 800 days ago, the
10 Plaintiff has not received an adjudication from the U.S. Bureau of Citizenship and Immigration
11 Services ("CIS") on the ground that a background check known as an "FBI name check" is still
12 pending.

13 5. Plaintiff is among tens of thousands of naturalization applicants throughout the
14 United States who are suffering from systemic delays in the naturalization process caused by the
15 policies, practices and procedures of the Defendants.

16 6. Defendants are officers of CIS and the Federal Bureau of Investigation ("FBI")
17 and are responsible for the naturalization process, including the FBI name check, which CIS
18 requires for naturalization despite the absence of any promulgated rule or regulation.

19 7. Plaintiff seeks to be naturalized by this Court, as Congress has authorized through
20 the Immigration and Nationality Act. See 8 U.S.C. § 1447(b) (district court may make a
21 determination of a naturalization application if there has been no adjudication within 120 days of
22 the date of examination – i.e., the applicant's naturalization interview); United States v.
23 Hovsepian, 359 F.3d 1144, 1151 (9th Cir. 2004) (en banc).

24 8. In failing to adjudicate the Plaintiff's naturalization applications, Defendant
25 officers of CIS have violated CIS regulations requiring that such applications be adjudicated
26 within 120 days of the initial examination. 8 C.F.R. § 335.3.

27 9. In addition, Defendant officers of both CIS and the FBI have engaged in
28 unreasonable and extraordinary delay in adjudicating Plaintiff's naturalization applications, in

1 violation of the Administrative Procedures Act, 5 U.S.C. §§ 555, 706, and the Due Process
2 Clause of the Fifth Amendment.

3 10. Defendants' rationale for CIS's unreasonable naturalization delays – that the
4 delays are required to complete FBI name checks – highlights an independent violation of the
5 Administrative Procedures Act: Defendants' failure to follow the notice and comment
6 requirements of 5 U.S.C. § 553. CIS has promulgated no regulations concerning an FBI name
7 check, but nonetheless has imposed the current version of the FBI name check as a requirement
8 for over four years – without any deadlines for completion of the checks. In contrast,
9 immigration regulations do provide for criminal records checks based on Plaintiff's fingerprints
10 and biographical data. The Plaintiff has passed those criminal background checks. Because
11 Defendants' addition of the FBI name check constitutes a substantive rule and causes undue
12 burden and prejudice to the Plaintiff and other applicants of immigration benefits, the public
13 should have been provided notice and an opportunity to comment prior to its implementation.

14 11. CIS's own ombudsman has criticized the rampant delays in the processing of
15 naturalization applications. In an annual report released in June 2007, the CIS Ombudsman
16 concluded: "FBI name checks, one of several security screening tools used by USCIS, continue
17 to significantly delay adjudication of immigration benefits for many customers, hinder backlog
18 reduction efforts, and may not achieve their intended national security benefits. FBI name checks
19 may be the single biggest obstacle to the timely and efficient delivery of immigration benefits.
20 The problem of long-pending FBI name checks cases worsened during the reporting period [of
21 June 2006 to June 2007]." CIS Ombudsman, Annual Report 2007, at 37 (emphasis in original),
22 available at http://www.dhs.gov/xabout/structure/gc_1183751418157.shtm.

23 12. In *Mocanu vs. Mueller* (2008 U.S. Dist. LEXIS 10122; UNITED STATES
24 DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA, 07-cv-0445), the
25 judge held that "the Court concludes that USCIS' use of the FBI name check program has never
26 been authorized by statute or regulation, and its continued application to Plaintiffs is improper
27 because of the unreasonable delays it has caused in the adjudication of Plaintiffs' applications for
28 naturalization."

13. Plaintiff has spent many years in the United States and has made this Nation his home. He seeks to pledge his allegiance to his adopted country and to participate fully in U.S. society as a citizen. The Plaintiff has met the statutory requirements to become a U.S. citizen, and he has sought relief through requests to his Representative in Congress and through formal and informal inquiries with the government. Nonetheless, the Plaintiff has been stymied in his efforts by the unreasonable and extraordinary delay of the Defendants.

14. As a result of the Defendants' failure to process naturalization applications within a reasonable time, under timelines set by Congress, Plaintiff is unable to participate in civic society by voting and jury service. Plaintiff also is unable expeditiously to petition for lawful permanent residency for immediate relatives (his aging parents) living abroad. Plaintiff also is unable to participate freely as a U.S. citizen in the Visa Waiver Program or to travel abroad and to return to the United States without fear of exclusion. The Plaintiff is blocked in his professional advancement because of the delay in naturalization.

15. Plaintiff seeks his naturalization through 8 U.S.C. § 1447(b), as he has satisfied all statutory requirements for naturalization and is suffering an unreasonable delay, by the action or inaction of the Defendants, in failing to complete all background checks necessary for adjudication of his naturalization application within a reasonable time as established by Congress and by CIS's own regulations.

PARTIES

Plaintiff:

16. Plaintiff Tayyab Siddiqui appears in front of this court on his own behalf. He is a native and citizen of Pakistan, a lawful permanent resident of the United States and a resident of San Francisco, CA. He applied for naturalization with CIS in the Buffalo, NY district as he lived in Rochester, NY at the time, and passed his naturalization examination in December 2005 in the Buffalo, NY office of CIS. He moved to San Francisco, CA in July 2006 and notified CIS of his change of address, within ten days of moving as required by law, and asked CIS to transfer his case to the San Francisco district. His naturalization application has not yet been adjudicated even though it has been more than 800 days since his naturalization interview, and more than

1 960 days since he initially filed his application for naturalization.

2 **Defendants:**

3 17. Defendant David Still is the District Office Director of the San Francisco District
4 of CIS. Pursuant to 8 C.F.R. § 310.2, Mr. Still has been delegated authority to control all CIS
5 activities within the San Francisco District, including the authority to adjudicate naturalization
6 applications. He is sued here in his official capacity. Plaintiff believes that his case is currently
7 pending in the San Francisco district office of CIS.

8 18. Defendant M. Francis Holmes is the District Office Director of the Buffalo, NY
9 District of CIS. Pursuant to 8 C.F.R. § 310.2, Mr. Holmes has been delegated authority to control
10 all CIS activities within the Buffalo District, including the authority to adjudicate naturalization
11 applications. He is sued here in his official capacity. Plaintiff initially filed his naturalization
12 application with the Buffalo, NY district office of CIS and had his interview conducted at that
13 office.

14 19. Defendant Michael Chertoff is the Secretary of the Department of Homeland
15 Security ("DHS"). Secretary Chertoff, pursuant to 8 U.S.C. §1103, is responsible for
16 administering the USCIS by implementing and enforcing the Immigration and Nationality Act.
17 As such, he has ultimate decision-making authority over the matters alleged in this petition. As
18 of March 1, 2003, DHS is the agency responsible for, inter alia, implementing the Immigration
19 and Nationality Act ("INA"). Within DHS, CIS(formerly part of the Immigration and
20 Naturalization Service ("INS")), is responsible for implementing the provisions of the INA under
21 which lawful permanent residents are naturalized as United States citizens. Mr Chertoff is sued
22 here in his official capacity.

23 20. Defendant Robert S. Mueller III is the Director of the FBI. The FBI is an agency
24 within the United States Department of Justice whose mission is to enforce criminal laws and
25 defend the United States against terrorist and foreign intelligence threats. Upon the request of
26 CIS, the FBI performs "name checks" and other background checks of all applicants for
27 naturalization. He is sued here in his official capacity.

28 21. Defendant Michael Mukasey is the Attorney General of the United States, and as

1 such, is the head of the United States Department of Justice and the chief law enforcement
2 officer of the federal government. Pursuant to 8 U.S.C. §1103, he is charged with controlling
3 determination of all issues of law pertaining to immigration and with representing the United
4 States of America in various legal matters before this Court. The Attorney General has the
5 authority to naturalize persons as citizens of the United States. 8 U.S.C. § 1421(a). The Attorney
6 General is also ultimately responsible for the Federal Bureau of Investigation, a subdivision of
7 the Justice Department. Mr. Mukasey is sued here in his official capacity.

8 22. Defendant Emilio T. Gonzalez is the Director of CIS, and as such is responsible
9 for implementing the provisions of the INA under which lawful permanent residents are
10 naturalized as United States citizens. He is sued here in his official capacity.

11 **EXHAUSTION OF REMEDIES**

12 23. Plaintiff has exhausted his administrative remedies. Plaintiff has submitted all the
13 necessary requirements and additional documentation requested by the USCIS.

14 **LEGAL FRAMEWORK**

15 **General Requirements for Naturalization**

16 24. Federal immigration law allows persons who have been residing in the United
17 States as lawful permanent residents to become United States citizens through a process known
18 as naturalization.

19 25. A person seeking to naturalize must meet certain requirements, including an
20 understanding of the English language and history and civics of the United States; a sufficient
21 period of physical presence in the United States; and good moral character. 8 U.S.C. § 1423,
22 1427(a).

23 26. Persons seeking to naturalize must submit an application for naturalization to CIS.
24 8 U.S.C. § 1445. CIS is the agency that is responsible for adjudicating naturalization
25 applications.

26 27. Once an application is submitted, CIS conducts a criminal background
27 investigation of each naturalization applicant. 8 U.S.C. § 1446(a); 8 C.F.R. § 335.1.

28 28. After a criminal background investigation is completed, CIS schedules a

1 naturalization examination, at which an applicant meets with a CIS examiner who is authorized
2 to ask questions and take testimony. The CIS examiner must determine whether to grant or deny
3 the naturalization application. 8 U.S.C. § 1446(d).

4 29. CIS must grant a naturalization application if the applicant has complied with all
5 requirements for naturalization. 8 C.F.R. § 335.3. Naturalization is not a discretionary benefit,
6 but a right upon satisfaction of statutory requirements.

7 30. CIS must grant or deny a naturalization application at the time of the examination
8 or, at the latest, within 120 days after the date of the examination. 8 C.F.R. § 335.3. Once an
9 application is granted, the applicant is sworn in as a United States citizen.

10 31. When CIS fails to adjudicate a naturalization application within 120 days of the
11 examination, the applicant may seek de novo review of the application by a district court. 8
12 U.S.C. § 1447(b). When the applicant requests district court review, the district court gains
13 exclusive jurisdiction over the application, United States v. Hovsepian, 359 F.3d 1144 (9th Cir.
14 2004), and it may naturalize the applicant. 8 U.S.C. § 1447(b).

15 32. In general, Congress has provided that applications for immigration benefits
16 should be adjudicated within 180 days of the initial filing of the application. 8 U.S.C. § 1571.
17 The President has also expressed that view. *See* Remarks by the President at INS Naturalization
18 Ceremony (July 10, 2001), available at
19 <http://www.whitehouse.gov/news/releases/2001/07/print20010710-1.html> (urging immigration
20 agencies to adopt standard of six-month processing time for applications for immigration
21 benefits).

22 **Pre-Naturalization Background Checks**

23 33. Under 8 U.S.C. § 335.2, CIS should not schedule the “initial examination” (i.e.,
24 the naturalization interview) until the agency has received “a definitive response from the [FBI]
25 that a full criminal background check” has been completed. The regulation defines a “definitive
26 response” as one of the following: (1) FBI confirmation that the applicant “does not have an
27 administrative or criminal record”; (2) FBI confirmation that the applicant does have such a
28 record; or (3) FBI confirmation that the applicant’s fingerprint cards “have been determined

1 unclassifiable for the purpose of conducting a criminal background check and have been
2 rejected.” 8 U.S.C. § 335.2(b). Thus, 8 C.F.R. § 335.2(b) contemplates that the “criminal
3 background check” required by regulation is based upon fingerprint records, and is not a “name
4 check.” The FBI fingerprint check is run against criminal records showing arrests, criminal
5 charges not leading to convictions, and criminal convictions.

6 34. Nonetheless, CIS runs two name-based background checks on each naturalization
7 applicant. First, CIS runs each applicant’s name against the Interagency Border Inspection
8 System (“IBIS”), a centralized records system combining information on “national security risks,
9 public safety issues and other law enforcement concerns” from multiple law enforcement and
10 intelligence agencies. Second, in 1998, CIS instituted the FBI name check. As originally
11 implemented in 1998, the FBI name check ran a naturalization applicant’s name against a
12 database containing the names of persons who are or were the subjects of an FBI investigation.

13 35. In 2002, without giving public notice and an opportunity for public comment, CIS
14 drastically expanded the scope of the FBI name check, so that an applicant’s name would be
15 checked against not only the names of investigation subjects, but also other names that are
16 merely mentioned in FBI files.

17 36. As expanded in 2002, the FBI name check requirement is implemented in such a
18 manner that it is highly likely that an applicant may be identified erroneously as a person “of
19 interest” to the FBI, thereby delaying adjudication of the naturalization application, even though
20 the applicant has committed no crimes, does not pose any kind of security risk, and has never
21 been a suspect in any investigation. For example, the name check may result in a “hit” when the
22 applicant’s name is mentioned in FBI records because he has been an innocent witness or victim
23 of a crime, has undergone an employment-related security clearance in the past, or has assisted
24 the FBI in an investigation. Thus, since 2002, the FBI name check has not been implemented in a
25 manner that is calculated effectively to uncover national security risks, criminal conduct, or other
26 wrongdoing.

27 37. The FBI name check procedure is also highly likely to result in false positive
28 results because the FBI runs not only a naturalization applicant’s actual name, but also various

1 alternate spellings and permutations of the applicant's given and family names.

2 38. Plaintiff is informed and believes that CIS does not adjudicate applications for
3 naturalization until it receives a completed FBI name check. Neither CIS nor the FBI imposes
4 any time limits for completion of FBI name checks. As a result of their policies, practices and
5 procedures, including their failure to require FBI name checks to be completed in a reasonable
6 time period, Defendants are responsible for systemic, years-long delays in adjudicating tens of
7 thousands of naturalization applications nationwide, including that submitted by Plaintiff.

8 39. Although Defendants have asserted that the FBI name checks are necessary for
9 national security, there is no justification for delays in the FBI name check process. Delays in the
10 FBI name check process do not serve the interest of national security. Indeed, as the CIS
11 Ombudsman has reported, "the current USCIS name check policy may *increase* the risk to
12 national security by prolonging the time a potential criminal or terrorist remains in the country."
13 CIS Ombudsman, Annual Report 2006 at 25 (emphasis added), available at
14 http://www.dhs.gov/xlibrary/assets/CISOmbudsman_AnnualReport_2006.pdf. In his most recent
15 annual report, the CIS Ombudsman expressed his "agree[ment] with the assessment of many
16 case workers and supervisors at USCIS field offices and service centers that the FBI name check
17 process has limited value to public safety or national security, especially because in almost every
18 case the applicant is in the United States during the name check process, living or working
19 without restriction." CIS Ombudsman, Annual Report 2007 at 40, available at
20 http://www.dhs.gov/xabout/structure/gc_1183751418157.shtm.

21 40. Upon information and belief, CIS has not reported any instance of a security
22 threat discovered through an FBI name check that was not also disclosed through criminal
23 background checks such as the fingerprint check and IBIS database check. The CIS Ombudsman
24 has questioned CIS's claims that the FBI name check provides information that is not otherwise
25 available through other, existing background checks in the naturalization process. In his 2007
26 annual report, the CIS Ombudsman states: "It is unclear how many of the FBI name check
27 'responses' also were revealed by one or more of the other security checks conducted for the
28 [naturalization] applications. To date, the Ombudsman has been unable to ascertain from USCIS

1 the total number of actual problem cases that the agency discovered exclusively as a result of the
2 FBI name check. The Ombudsman understands that most, if not all, of the problem cases which
3 would result in an eventual denial of benefits also can be revealed by the other more efficient,
4 automated criminal and security checks that USCIS initiates." CIS Ombudsman, Annual Report
5 2007, at 41.

6 41. Plaintiff is informed and believes that in April 2006, CIS implemented a new
7 policy or practice of delaying naturalization examinations until after the FBI name check is
8 completed. Thus, for certain applicants for naturalization, lengthy delays in adjudication now
9 occur prior to the examination, rather than after the examination. Upon information and belief,
10 the April 2006 policy change has resulted in delayed scheduling of the naturalization
11 examination for thousands of applicants. CIS has stated that a purpose of the policy change was
12 to discourage litigation under 8 U.S.C. § 1447(b), which gives district courts jurisdiction to
13 adjudicate applications when CIS has failed to act within 120 days of the examination.

14 **FACTS**

15 **Plaintiff**

16 42. Tayyab Rehan Siddiqui is a 34 year old native and citizen of Pakistan. He came
17 to the United States as an undergraduate college student in August 1994. He currently lives in
18 San Francisco and is a software developer by profession.

19 43. He married a US citizen in March 2001 and obtained his Permanent Resident
20 status effective as of July 2002. See Exhibit 1: Permanent Resident Card.

21 44. He applied for citizenship in July 2005 with the Buffalo, NY district office of
22 CIS, after meeting the requirements as stated in 8 U.S.C. § 1430 (a). See Exhibit 2: Application
23 for Naturalization(Form N-400), and Exhibit 3: Notice of Receipt of Application for
24 Naturalization.

25 45. He submitted his fingerprints in the Buffalo, NY office of CIS in October 2005.
26 See Exhibit 4: Fingerprint Notification.

27 46. He had his citizenship interview with the Buffalo, NY office of CIS in December
28 2005. The interviewing officer informed the Plaintiff that he had cleared the examination, that

1 the officer would recommend him for approval, and to expect a letter scheduling him for the oath
2 ceremony in about a month's time. The interviewing officer did not mention any pending
3 background check. See Exhibit 5: Naturalization Interview Results.

4 47. After about two months of waiting, Plaintiff went to the CIS office in Rochester,
5 NY to inquire as to the status of his case and was informed that the background check had not
6 been cleared.

7 48. Plaintiff received a Status Letter from USCIS informing him that the processing
8 of his case had been delayed as the required investigation into his background remained open.
9 No indication was given as to how long the delay was expected to last. Exhibit 6: February 2006
10 Status Letter from USCIS

11 49. Plaintiff moved to San Francisco, CA in July 2006 and notified USCIS of his
12 change of address as he is required to do so by law. See Exhibit 7: Form AR-11 Change of
13 Address to San Francisco.

14 50. Plaintiff called USCIS customer service (in July 2006) to inquire about the status
15 of his case and got a written response saying that the case is pending subject to the completion of
16 a background check. See Exhibit 8: August 2006 Status Letter from USCIS.

17 51. Plaintiff scheduled an InfoPass appointment in January 2008 with the San
18 Francisco office of the USCIS where the information officer told him that the only information
19 she has available is that the processing is not yet complete. She told him that the last time the
20 file was reviewed was by someone in the San Francisco office on December 22, 2007.

21 52. Plaintiff sent a letter of inquiry to the San Francisco office of USCIS in January
22 2008, to which the response he got was that the case is pending in another unit. See Exhibit 9:
23 February 2008 Status Letter from USCIS.

24 53. Plaintiff submitted a Freedom of Information Act/Privacy Act request in early
25 February 2008 to the USCIS and to the FBI in an effort to find out whether there is any adverse
26 information in any files that could be the reason for the delay. Plaintiff received a response from
27 the FBI stating, "To promptly respond to requests, we concentrate on identifying main files in
28 the central records system at FBI Headquarters. No records responsive to your FOIPA request

1 were located by a search of the automated indices.” See Exhibit 10: FBI FOIPA Response
2 Letter.

3 54. Plaintiff contacted his Congresswoman in early February 2008 for her assistance
4 in finding out the status of his case and whether she could help get the case expedited, but was
5 told that the USCIS/FBI generally do not expedite the name check and do not give out any
6 specific information even to Congressional representatives, except to say that the background
7 check is incomplete.

8 55. Plaintiff has met all the eligibility requirements for naturalization. He has met the
9 residence, as well as the physical presence requirements, is of good moral character, is attached
10 to the Constitution of the United States, and has passed the English, history and government
11 tests. Plaintiff believes that he has successfully completed the FBI fingerprint, as well as IBIS
12 check; he has no criminal record. Yet, Plaintiff’s application for naturalization is still pending.

13 56. Defendants have sufficient information to determine Plaintiff’s eligibility
14 pursuant to applicable requirements.

15 **Defendants’ Policies and Practices**

16 57. Plaintiff is informed and believes that Defendants Still, Gonzalez and Chertoff
17 have a policy, pattern, and practice of failing to adjudicate the applications for naturalization of
18 the applicants in a similar situation as the Plaintiff within 120 days of the date of naturalization
19 examinations, because of unreasonable delays in the processing of FBI name checks.

20 58. Plaintiff is informed and believes that Defendants Still, Gonzalez and Chertoff
21 have a policy, pattern, and practice of unlawfully withholding and unreasonably delaying the
22 adjudication of applications for naturalization of the applicants in a similar situation as the
23 Plaintiff, because of unreasonable delays in the processing of FBI name checks.

24 59. Plaintiff is informed and believes that Defendants Mueller and Mukasey have a
25 policy, pattern, and practice of unlawfully withholding and unreasonably delaying the
26 completion of FBI name checks, with the full knowledge that CIS requires the completion of
27 such FBI name checks for adjudication of applications for naturalization of the applicants in a
28 similar situation as the Plaintiff.

1 60. Plaintiff is informed and believes that Defendants have a policy, pattern and
2 practice of failing to set reasonable deadlines for completing FBI name checks and taking all the
3 other reasonable steps necessary to complete the adjudication of applications for naturalization of
4 the applicants in a similar situation as the Plaintiff.

5 61. Plaintiff is informed and believes that Defendants Still, Gonzalez and Chertoff
6 have a policy, pattern and practice of requiring FBI name checks for adjudication of applications
7 for naturalization of the applicants in a similar situation as the Plaintiff, despite having no
8 statutory or regulatory authorization for such FBI name checks.

9 62. Plaintiff is informed and believes that Defendants do not have or use any
10 mechanisms to identify or to track the number and status of naturalization cases in which
11 applicants satisfy all eligibility criteria, have passed naturalization interviews, and are awaiting
12 adjudication solely on the basis of FBI name checks. In addition, CIS and FBI do not have any
13 policies or practices in place to ensure final adjudication of those naturalization applications.

14 63. Plaintiff is informed and believes that Defendants do not have or use any
15 mechanisms to track the number and status of naturalization cases in which applicants satisfy all
16 eligibility criteria, have passed naturalization examinations, and are awaiting adjudication for
17 more than 120 days after their naturalization examinations. In addition, CIS and FBI do not have
18 any policies or practices in place to ensure final adjudication of those naturalization applications.

19 64. Plaintiff is informed and believes that Defendants Still, Gonzalez and Chertoff
20 implemented the requirement of FBI name checks for naturalization without giving notice to the
21 public and allowing a period for public comment. The Administrative Procedures Act requires
22 such notice and comment because the FBI name check requirement is a substantive change in
23 prior CIS policy and because the requirement has an adverse effect on individuals by causing a
24 delay in adjudication of their naturalization applications.

25 65. As a result of the Defendants' policies, practices, actions and omissions,
26 applicants in a similar situation as the Plaintiff have suffered injury, in that they have been
27 unlawfully denied the rights and benefits of U.S. citizenship for more than 120 days since they
28 passed their naturalization examinations.

Prejudice Suffered By Applicants With Delayed Cases

66. The Plaintiff and other citizenship applicants in a similar situation as Plaintiff suffer concrete harms from the unreasonable delays caused by Defendants' policies and practices.

67. Delays in naturalization can prevent applicants from conferring citizenship or lawful permanent status on their immediate family members. Plaintiff would like to sponsor his aging parents for Permanent Residence so that they can freely visit him and for him to be able to look after them in their old age.

68. Naturalization delays result in restrictions on the ability of immigrants to travel freely. Many permanent residents are from countries that do not participate in the Visa Waiver Program, which affords U.S. citizens the ability to make short trips to 26 countries without the need for a visa. See http://travel.state.gov/visa/temp/without/without_1990.html#countries. Many permanent residents who are Muslim, or are perceived to be such, report that they are routinely subjected as non-citizens to intrusive questioning and searches by U.S. government officials while traveling. See NYU Report at 33-34. Thus, naturalization delays have caused many applicants – as well as their immediate family members who may be U.S. citizens – to refrain from travel altogether, even for urgent matters such as illness or death in the family. See New York University School of Law, Center for Human Rights and Global Justice, Americans on Hold: Profiling, Citizenship and the “War on Terror” (“NYU Report”) at 5,23, available at www.chrgj.org/docs/AOH/AmericansonHoldReport.pdf.

69. For many permanent residents, naturalization delays have had a negative impact on their employment. This is particularly true for highly skilled scientists, engineers, and other professional workers, who often have existing FBI records – which trigger “hits” in the FBI name check, although there is no derogatory information – as a result of previous employment-related security checks. U.S. Gov’t Accountability Office, Report to Congressional Requesters, Immigration Benefits: Improvements Needed to Address Backlogs and Ensure Quality of Adjudications (Nov. 2005) at 44-45. These permanent residents often are hampered in their professional advancement because many jobs in their fields are available only to U.S. citizens.

1 This is most often an impediment for white-collar professionals, but other immigrants who aspire
 2 to work in law enforcement or the U.S. military are similarly impeded. NYU Report at 24.

3 70. Naturalization delays have blocked the enfranchisement of tens of thousands of
 4 longtime permanent residents who wish to join American civic society formally, after years of
 5 contributing their work, community involvement, and tax revenues. See NYU Report at 33-23.
 6 FBI name check delays have delayed tens of thousands of immigrants from obtaining the right to
 7 vote. Nina Bernstein, Backlog Blocks Immigrants Hoping To Vote, N.Y. Times, Oct. 15, 2004,
 8 at B1.

9 71. Defendants' unreasonable delay in adjudicating the application has deprived
 10 Plaintiff of the above listed benefits.

11 **GROUND FOR RELIEF**

12 72. The Defendants have clearly exceeded the bounds of reasonableness in the time
 13 for adjudication of Plaintiff's application for naturalization.

14 73. Defendants, despite having a duty to act within reasonable time, have failed to
 15 process and adjudicate Plaintiff's application in a timely manner.

16 74. Defendants' duty to process Plaintiff's application and adjudicate "within a
 17 reasonable time" is a non-discretionary duty mandated by federal law and judicial precedent.

18 75. Defendants' conduct in failing to make a final decision in this case, *more than 800*
 19 *days after conducting an examination*, is grossly unreasonable and amounts to dereliction of
 20 duty.

21 76. Defendants willful unreasonable delay and refusal to adjudicate Plaintiff's
 22 application is illegal and unjust.

23 **CAUSES OF ACTION**

24 **COUNT ONE**

25 **RIGHT TO DE NOVO JUDICIAL DETERMINATION OF APPLICATION FOR** 26 **NATURALIZATION 8 U.S.C. § 1447(B)**

27 **[By the Plaintiff Against Defendants Still, Et al.]**

28 77. The allegations contained in paragraphs 1 through 76 above are repeated and

1 incorporated as though fully set forth herein.

2 78. Title 8 U.S.C. §1447(b) states that "If there is a failure to make a determination
3 under section 1446 of this title before the end of the 120-day period after the date on which the
4 examination is conducted under such section, the applicant may apply to the United States
5 district court for the district in which the applicant resides for a hearing on the matter. Such court
6 has jurisdiction over the matter and may either determine the matter or remand the matter, with
7 appropriate instructions, to the Service to determine the matter."

8 79. Because Defendants have failed to adjudicate the Plaintiff's naturalization
9 application within 120 days after the date of his naturalization examination, Plaintiff is entitled to
10 de novo adjudication of his or naturalization application by this Court under 8 U.S.C. § 1447(b).

11 80. This Court should grant the Plaintiff's naturalization application pursuant to 8
12 U.S.C. § 1447(b), because Plaintiff meets all of the requirements for naturalization under chapter
13 2 of the Immigration and Nationality Act, 8 U.S.C. § 1421 *et seq.*, and therefore has a right to
14 become a naturalized citizen of the United States.

15 **COUNT TWO**

16 **FEES AND COURT COSTS**

17 **Equal Access to Justice Act (28 U.S.C. §2412 (d)(1)(A))**

18 81. Plaintiff incorporates the allegations contained in Paragraphs 1 through 80 as if
19 alleged herein.

20 82. Except as otherwise specifically provided by statute, a court shall award to a
21 prevailing party other than the United States fees and other expenses, in addition to any costs
22 awarded pursuant to subsection (a), incurred by that party in any civil action (other than cases
23 sounding in tort), including proceedings for judicial review of agency action, brought by or
24 against the United States in any court having jurisdiction of that action, unless the court finds
25 that the position of the United States was substantially justified or that special circumstances
26 make an award unjust. 28 U.S.C. §2412 (d)(1)(A).

27 83. Upon acceptance of jurisdiction over Plaintiff's naturalization application,
28 Plaintiff will be a "prevailing party" and will be entitled to recover fees and costs of this Court

for this action.

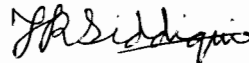
PRAYER FOR RELIEF

WHEREFORE, in view of the arguments and authority noted herein, Plaintiff respectfully prays for the following relief:

- (1) Assume jurisdiction over the matter;
- (2) Defendants be cited to appear herein;
- (3) Review de novo and grant the Plaintiff's application for naturalization, pursuant to 8 U.S.C. § 1447(b);
- (4) In the alternative, the Court may remand with instructions requiring Defendants to immediately adjudicate Plaintiff's naturalization application;
- (5) Declare that the Defendants' failure to act is illegal, arbitrary, capricious and egregious dereliction of duty;
- (6) Declare that the Plaintiff is the prevailing party.
- (7) Award reasonable attorney fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412, or 5 U.S.C. § 504 or 42 U.S.C. 1988; and
- (8) Grant any and all further relief this Court deems just and proper.

Dated: February 29, 2008

Respectfully submitted,



TAYYAB REHAN SIDDIQUI
PLAINTIFF, PRO SE PETITIONER
1414 Polk Street
San Francisco, CA 94109
(415) 846-7918

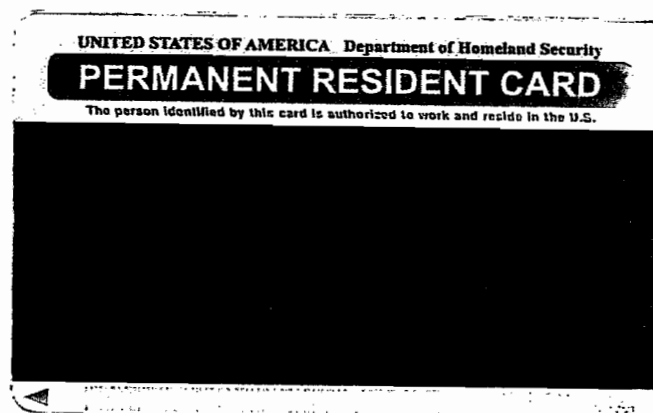
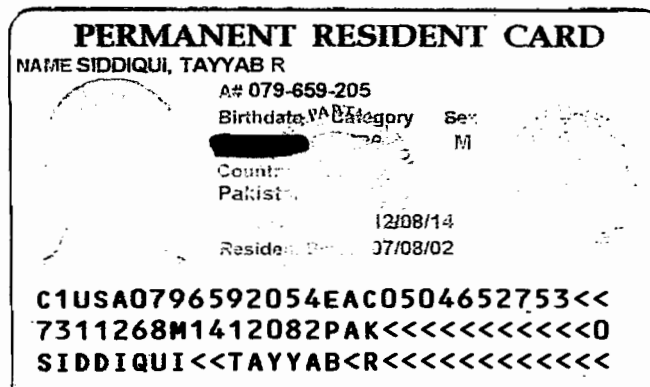
EXHIBITS

- Exhibit 1: Permanent Resident Card
- Exhibit 2: Application for Naturalization(Form N-400)
- Exhibit 3: Notice of Receipt of Application for Naturalization
- Exhibit 4: Fingerprint Notification
- Exhibit 5: Naturalization Interview Results
- Exhibit 6: February 2006 Status Letter from USCIS
- Exhibit 7: Form AR-11 Change of Address to San Francisco
- Exhibit 8: August 2006 Status Letter from USCIS
- Exhibit 9: February 2008 Status Letter from USCIS
- Exhibit 10: FBI FOIPA Response Letter.

Dated: February 29, 2008



TAYYAB REHAN SIDDIQUI
PLAINTIFF, PRO SE PETITIONER
1414 Polk Street
San Francisco, CA 94109
(415) 846-7918



U.S. Department of Justice
Immigration and Naturalization Service

OMB No. 1115-0009

Application for Naturalization

Print clearly or type your answers using CAPITAL letters. Failure to print clearly may delay your application. Use black or blue ink.

Part 1. Your Name (The Person Applying for Naturalization)

Write your INS "A"- number here:

A 0 7 9 6 5 9 2 0 5

A. Your current legal name.

Family Name (Last Name)

SIDDIQUI

Given Name (First Name)

TAYYAB

Full Middle Name (If applicable)

REHAN

FOR INS USE ONLY

Bar Code

Date Stamp

Remarks

Action

B. Your name exactly as it appears on your Permanent Resident Card.

Family Name (Last Name)

SIDDIQUI

Given Name (First Name)

TAYYAB

Full Middle Name (If applicable)

R

C. If you have ever used other names, provide them below.

Family Name (Last Name)

Given Name (First Name)

Middle Name

D. Name change (optional)

Please read the Instructions before you decide whether to change your name.

1. Would you like to legally change your name? ☐ Yes ☒ No

2. If "Yes," print the new name you would like to use. Do not use initials or abbreviations when writing your new name.

Family Name (Last Name)

Given Name (First Name)

Full Middle Name

Part 2. Information About Your Eligibility (Check Only One)

I am at least 18 years old AND

- A. ☐ I have been a Lawful Permanent Resident of the United States for at least 5 years.
- B. ☒ I have been a Lawful Permanent Resident of the United States for at least 3 years, AND
I have been married to and living with the same U.S. citizen for the last 3 years, AND
my spouse has been a U.S. citizen for the last 3 years.
- C. ☐ I am applying on the basis of qualifying military service.
- D. ☐ Other (Please explain) _____

Part 3. Information About You

Write your INS "A"- number here:

A 0 7 9 6 5 9 2 0 5

A. Social Security Number

[REDACTED]

B. Date of Birth (Month/Day/Year)

[REDACTED]

C. Date You Became a Permanent Resident (Month/Day/Year)

0 7 / 0 8 / 2 0 0 2

D. Country of Birth

PAKISTAN

E. Country of Nationality

PAKISTAN

F. Are either of your parents U.S. citizens? (if yes, see Instructions)

☐ Yes☒ No

G. What is your current marital status?

☐

Single, Never Married

☒

Married

☐

Divorced

☐

Widowed

☐

Marriage Annulled or Other (Explain)

H. Are you requesting a waiver of the English and/or U.S. History and Government requirements based on a disability or impairment and attaching a Form N-648 with your application?

☐ Yes☒ No

I. Are you requesting an accommodation to the naturalization process because of a disability or impairment? (See Instructions for some examples of accommodations.)

☐ Yes☒ No

If you answered "Yes", check the box below that applies:

☐

I am deaf or hearing impaired and need a sign language interpreter who uses the following language: _____

☐

I use a wheelchair.

☐

I am blind or sight impaired.

☐

I will need another type of accommodation. Please explain: _____

Part 4. Addresses and Telephone Numbers

A. Home Address - Street Number and Name (Do NOT write a P.O. Box in this space)

Apartment Number

275 PARK AVE APT 10

City

ROCHESTER

County

MONROE

State

NY

ZIP Code

14607

Country

USA

B. Care of

Mailing Address - Street Number and Name (If different from home address)

Apartment Number

City

State

ZIP Code

Country

C. Daytime Phone Number (If any)

(585) 226-1036

Evening Phone Number (If any)

(585) 226-1036

E-mail Address (If any)

TAYYABSIDDIQUI@GMAIL.COM

Part 5. Information for Criminal Record Search

Write your INS "A"- number here:

A 0 7 9 6 5 9 2 0 5

Note: The categories below are those required by the FBI. See Instructions for more information.

A. Gender☒ Male ☐ Female**B. Height**

5 Feet 9.0 Inches

C. Weight

140.0 Pounds

D. Are you Hispanic or Latino?☐ Yes ☒ No**E. Race (Select one or more.)**☐ White ☒ Asian ☐ Black or African American ☐ American Indian or Alaskan Native ☐ Native Hawaiian or Other Pacific Islander**F. Hair color**☒ Black ☐ Brown ☐ Blonde ☐ Gray ☐ White ☐ Red ☐ Sandy ☐ Bald (No Hair)**G. Eye color**☒ Brown ☐ Blue ☐ Green ☐ Hazel ☐ Gray ☐ Black ☐ Pink ☐ Maroon ☐ Other**Part 6. Information About Your Residence and Employment****A. Where have you lived during the last 5 years? Begin with where you live now and then list every place you lived for the last 5 years. If you need more space, use a separate sheet of paper.**

Street Number and Name, Apartment Number, City, State, Zip Code and Country	Dates (Month/Year)	
	From	To
Current Home Address - Same as Part 4.A	1 2 / 2 0 0 1	Present
5095 ROSWELL ROAD N.E. #A2, ATLANTA, GA 30342, USA	0 1 / 2 0 0 1	1 2 / 2 0 0 1
1121 BROADWAY #3, SOMERVILLE, MA 02144, USA	0 3 / 2 0 0 0	0 1 / 2 0 0 1
	___ / ___	___ / ___
	___ / ___	___ / ___

B. Where have you worked (or, if you were a student, what schools did you attend) during the last 5 years? Include military service. Begin with your current or latest employer and then list every place you have worked or studied for the last 5 years. If you need more space, use a separate sheet of paper.

Employer or School Name	Employer or School Address (Street, City and State)	Dates (Month/Year)		Your Occupation
		From	To	
DOCUMENTFORUM.COM	92 MONTVALE AVE #3500 STONEHAM, MA 02180	0 4 / 2 0 0 0	0 9 / 2 0 0 0	SOFTWARE ENGINEER
CONTROL DATA SYSTEMS	4201 N. LEXINGTON AVE, ARDEN HILLS, MN	0 6 / 1 9 9 8	0 2 / 2 0 0 0	INTEGRATION ENGINEER
		___ / ___	___ / ___	
		___ / ___	___ / ___	
		___ / ___	___ / ___	

Part 7. Time Outside the United States
(Including Trips to Canada, Mexico, and the Caribbean Islands)

Write your INS "A"- number here:

A 0 7 9 6 5 9 2 0 5

- A. How many total days did you spend outside of the United States during the past 5 years? 93 days
- B. How many trips of 24 hours or more have you taken outside of the United States during the past 5 years? 6 trips
- C. List below all the trips of 24 hours or more that you have taken outside of the United States since becoming a Lawful Permanent Resident. Begin with your most recent trip. If you need more space, use a separate sheet of paper.

Date You Left the United States (Month/Day/Year)	Date You Returned to the United States (Month/Day/Year)	Did Trip Last 6 Months or More?		Countries to Which You Traveled	Total Days Out of the United States
0 1 / 1 5 / 2 0 0 5	0 1 / 1 6 / 2 0 0 5	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	CANADA	2
1 2 / 0 8 / 2 0 0 4	1 2 / 3 1 / 2 0 0 4	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	PAKISTAN	24
1 1 / 2 9 / 2 0 0 3	1 1 / 3 0 / 2 0 0 3	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	CANADA	2
0 5 / 2 3 / 2 0 0 3	0 5 / 2 5 / 2 0 0 3	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	CANADA	3
1 2 / 2 9 / 2 0 0 2	0 1 / 0 6 / 2 0 0 3	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	CANADA	9
0 7 / 2 1 / 2 0 0 2	0 9 / 1 1 / 2 0 0 2	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	PAKISTAN	53
/ /	/ /	<input type="checkbox"/> Yes	<input type="checkbox"/> No		
/ /	/ /	<input type="checkbox"/> Yes	<input type="checkbox"/> No		
/ /	/ /	<input type="checkbox"/> Yes	<input type="checkbox"/> No		
/ /	/ /	<input type="checkbox"/> Yes	<input type="checkbox"/> No		

Part 8. Information About Your Marital History

A. How many times have you been married (including annulled marriages)? 2 If you have NEVER been married, go to Part 9.

B. If you are now married, give the following information about your spouse:

1. Spouse's Family Name (Last Name)

HASHIMOTO

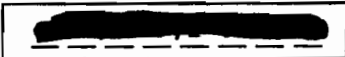
Given Name (First Name)

KAY

Full Middle Name (If applicable)

JINGJING

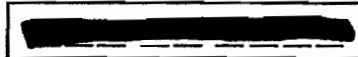
2. Date of Birth (Month/Day/Year)



3. Date of Marriage (Month/Day/Year)

0 3 / 3 0 / 2 0 0 1

4. Spouse's Social Security Number



5. Home Address - Street Number and Name

275 PARK AVE APT 10

Apartment Number

City

ROCHESTER

State

NY

ZIP Code

14607

Part 8. Information About Your Marriage History (Continued)

Write your INS "A"- number here:

A 0 7 9 6 5 9 2 0 5

C. Is your spouse a U.S. citizen? ☒ Yes ☐ No

D. If your spouse is a U.S. citizen, give the following information:

1. When did your spouse become a U.S. citizen?

☐ At Birth ☒ Other

If "Other," give the following information:

2. Date your spouse became a U.S. citizen

1 0 / 0 1 / 1 9 8 6

3. Place your spouse became a U.S. citizen (Please see Instructions)

SEATTLE, WA

City and State

E. If your spouse is NOT a U.S. citizen, give the following information :

1. Spouse's Country of Citizenship

2. Spouse's INS "A"- Number (If applicable)

A

3. Spouse's Immigration Status

☐ Lawful Permanent Resident ☐ Other

F. If you were married before, provide the following information about your prior spouse. If you have more than one previous marriage, use a separate sheet of paper to provide the information requested in questions 1-5 below.

1. Prior Spouse's Family Name (Last Name)

SIDDIQUI

Given Name (First Name)

SAIMA

Full Middle Name (If applicable)

SADIA

2. Prior Spouse's Immigration Status

☐ U.S. Citizen
☐ Lawful Permanent Resident
☒ Other NON-RESIDENT

3. Date of Marriage (Month/Day/Year)

0 7 / 2 3 / 1 9 9 9

4. Date Marriage Ended (Month/Day/Year)

0 1 / 0 4 / 2 0 0 1

5. How Marriage Ended

☒ Divorce ☐ Spouse Died ☐ Other

G. How many times has your current spouse been married (including annulled marriages)?

1

If your spouse has EVER been married before, give the following information about your spouse's prior marriage.

If your spouse has more than one previous marriage, use a separate sheet of paper to provide the information requested in questions 1-5 below.

1. Prior Spouse's Family Name (Last Name)

Given Name (First Name)

Full Middle Name (If applicable)

2. Prior Spouse's Immigration Status

☐ U.S. Citizen
☐ Lawful Permanent Resident
☐ Other

3. Date of Marriage (Month/Day/Year)

_ _ / _ _ / _ _ _ _

4. Date Marriage Ended (Month/Day/Year)

_ _ / _ _ / _ _ _ _

5. How Marriage Ended

☐ Divorce ☐ Spouse Died ☐ Other

Part 9. Information About Your Children

Write your INS "A"- number here:

A 0 7 9 6 5 9 2 0 5

A. How many sons and daughters have you had? For more information on which sons and daughters you should include and how to complete this section, see the Instructions.

0

B. Provide the following information about all of your sons and daughters. If you need more space, use a separate sheet of paper.

Full Name of Son or Daughter	Date of Birth (Month/Day/Year)	INS "A"- number (if child has one)	Country of Birth	Current Address (Street, City, State & Country)
	___/___/___	A _____		
	___/___/___	A _____		
	___/___/___	A _____		
	___/___/___	A _____		
	___/___/___	A _____		
	___/___/___	A _____		
	___/___/___	A _____		
	___/___/___	A _____		

Part 10. Additional Questions

Please answer questions 1 through 14. If you answer "Yes" to any of these questions, include a written explanation with this form. Your written explanation should (1) explain why your answer was "Yes," and (2) provide any additional information that helps to explain your answer.

A. General Questions

- Have you **EVER** claimed to be a U.S. citizen (*in writing or any other way*)?
- Have you **EVER** registered to vote in any Federal, state, or local election in the United States?
- Have you **EVER** voted in any Federal, state, or local election in the United States?
- Since becoming a Lawful Permanent Resident, have you **EVER** failed to file a required Federal, state, or local tax return?
- Do you owe any Federal, state, or local taxes that are overdue?
- Do you have any title of nobility in any foreign country?
- Have you ever been declared legally incompetent or been confined to a mental institution within the last 5 years?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Part 10. Additional Questions (Continued)

Write your INS "A"- number here:

A 0 7 9 6 5 9 2 0 5

B. Affiliations

8. a. Have you **EVER** been a member of or associated with any organization, association, fund, foundation, party, club, society, or similar group in the United States or in any other place? ☒ Yes ☐ No

b. If you answered "Yes," list the name of each group below. If you need more space, attach the names of the other group(s) on a separate sheet of paper.

Name of Group	Name of Group
1. KUCINICH FOR PRESIDENT CAMPAIGN 2004	6.
2. METRO JUSTICE, ROCHESTER, NY	7.
3.	8.
4.	9.
5.	10.

9. Have you **EVER** been a member of or in any way associated (*either directly or indirectly*) with:

- a. The Communist Party? ☐ Yes ☒ No
- b. Any other totalitarian party? ☐ Yes ☒ No
- c. A terrorist organization? ☐ Yes ☒ No

10. Have you **EVER** advocated (*either directly or indirectly*) the overthrow of any government by force or violence? ☐ Yes ☒ No

11. Have you **EVER** persecuted (*either directly or indirectly*) any person because of race, religion, national origin, membership in a particular social group, or political opinion? ☐ Yes ☒ No

12. Between March 23, 1933, and May 8, 1945, did you work for or associate in any way (*either directly or indirectly*) with:

- a. The Nazi government of Germany? ☐ Yes ☒ No
- b. Any government in any area (1) occupied by, (2) allied with, or (3) established with the help of the Nazi government of Germany? ☐ Yes ☒ No
- c. Any German, Nazi, or S.S. military unit, paramilitary unit, self-defense unit, vigilante unit, citizen unit, police unit, government agency or office, extermination camp, concentration camp, prisoner of war camp, prison, labor camp, or transit camp? ☐ Yes ☒ No

C. Continuous Residence

Since becoming a Lawful Permanent Resident of the United States:

13. Have you **EVER** called yourself a "nonresident" on a Federal, state, or local tax return? ☐ Yes ☒ No
14. Have you **EVER** failed to file a Federal, state, or local tax return because you considered yourself to be a "nonresident"? ☐ Yes ☒ No

Part 10. Additional Questions (Continued)

Write your INS "A"- number here:

A 0 7 9 6 5 9 2 0 5

D. Good Moral Character

For the purposes of this application, you must answer "Yes" to the following questions, if applicable, even if your records were sealed or otherwise cleared or if anyone, including a judge, law enforcement officer, or attorney, told you that you no longer have a record.

15. Have you **EVER** committed a crime or offense for which you were NOT arrested? ☐ Yes ☒ No
16. Have you **EVER** been arrested, cited, or detained by any law enforcement officer (including INS and military officers) for any reason? ☒ Yes ☐ No
17. Have you **EVER** been charged with committing any crime or offense? ☐ Yes ☒ No
18. Have you **EVER** been convicted of a crime or offense? ☐ Yes ☒ No
19. Have you **EVER** been placed in an alternative sentencing or a rehabilitative program (for example: diversion, deferred prosecution, withheld adjudication, deferred adjudication)? ☐ Yes ☒ No
20. Have you **EVER** received a suspended sentence, been placed on probation, or been paroled? ☐ Yes ☒ No
21. Have you **EVER** been in jail or prison? ☐ Yes ☒ No

If you answered "Yes" to any of questions 15 through 21, complete the following table. If you need more space, use a separate sheet of paper to give the same information.

Why were you arrested, cited, detained, or charged?	Date arrested, cited, detained, or charged (Month/Day/Year)	Where were you arrested, cited, detained or charged? (City, State, Country)	Outcome or disposition of the arrest, citation, detention or charge (No charges filed, charges dismissed, jail, probation, etc.)
see attached sheet			

Answer questions 22 through 33. If you answer "Yes" to any of these questions, attach (1) your written explanation why your answer was "Yes," and (2) any additional information or documentation that helps explain your answer.

22. Have you **EVER**:
- a. been a habitual drunkard? ☐ Yes ☒ No
 - b. been a prostitute, or procured anyone for prostitution? ☐ Yes ☒ No
 - c. sold or smuggled controlled substances, illegal drugs or narcotics? ☐ Yes ☒ No
 - d. been married to more than one person at the same time? ☐ Yes ☒ No
 - e. helped anyone enter or try to enter the United States illegally? ☐ Yes ☒ No
 - f. gambled illegally or received income from illegal gambling? ☐ Yes ☒ No
 - g. failed to support your dependents or to pay alimony? ☐ Yes ☒ No
23. Have you **EVER** given false or misleading information to any U.S. government official while applying for any immigration benefit or to prevent deportation, exclusion, or removal? ☐ Yes ☒ No
24. Have you **EVER** lied to any U.S. government official to gain entry or admission into the United States? ☐ Yes ☒ No

Part 10. Additional Questions (Continued)

Write your INS "A"- number here:

A 0 7 9 6 5 9 2 0 5

E. Removal, Exclusion, and Deportation Proceedings

25. Are removal, exclusion, rescission or deportation proceedings pending against you? ☐ Yes ☒ No
26. Have you **EVER** been removed, excluded, or deported from the United States? ☐ Yes ☒ No
27. Have you **EVER** been ordered to be removed, excluded, or deported from the United States? ☐ Yes ☒ No
28. Have you **EVER** applied for any kind of relief from removal, exclusion, or deportation? ☐ Yes ☒ No

F. Military Service

29. Have you **EVER** served in the U.S. Armed Forces? ☐ Yes ☒ No
30. Have you **EVER** left the United States to avoid being drafted into the U.S. Armed Forces? ☐ Yes ☒ No
31. Have you **EVER** applied for any kind of exemption from military service in the U.S. Armed Forces? ☐ Yes ☒ No
32. Have you **EVER** deserted from the U.S. Armed Forces? ☐ Yes ☒ No

G. Selective Service Registration

33. Are you a male who lived in the United States at any time between your 18th and 26th birthdays in any status except as a lawful nonimmigrant? ☐ Yes ☒ No

If you answered "NO", go on to question 34.

If you answered "YES", provide the information below.

If you answered "YES", but you did NOT register with the Selective Service System and are still under 26 years of age, you must register before you apply for naturalization, so that you can complete the information below:

Date Registered (Month/Day/Year)

Selective Service Number

If you answered "YES", but you did NOT register with the Selective Service and you are now 26 years old or older, attach a statement explaining why you did not register.

H. Oath Requirements (See Part 14 for the text of the oath)

Answer questions 34 through 39. If you answer "No" to any of these questions, attach (1) your written explanation why the answer was "No" and (2) any additional information or documentation that helps to explain your answer.

34. Do you support the Constitution and form of government of the United States? ☒ Yes ☐ No
35. Do you understand the full Oath of Allegiance to the United States? ☒ Yes ☐ No
36. Are you willing to take the full Oath of Allegiance to the United States? ☒ Yes ☐ No
37. If the law requires it, are you willing to bear arms on behalf of the United States? ☒ Yes ☐ No
38. If the law requires it, are you willing to perform noncombatant services in the U.S. Armed Forces? ☒ Yes ☐ No
39. If the law requires it, are you willing to perform work of national importance under civilian direction? ☒ Yes ☐ No

Part 11. Your Signature

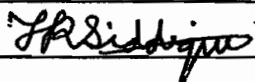
Write your INS "A"- number here:

A 0 7 9 6 5 9 2 0 5

I certify, under penalty of perjury under the laws of the United States of America, that this application, and the evidence submitted with it, are all true and correct. I authorize the release of any information which INS needs to determine my eligibility for naturalization.

Your Signature

Date (Month/Day/Year)



07/12/05

Part 12. Signature of Person Who Prepared This Application for You (if applicable)

I declare under penalty of perjury that I prepared this application at the request of the above person. The answers provided are based on information of which I have personal knowledge and/or were provided to me by the above named person in response to the *exact* questions contained on this form.

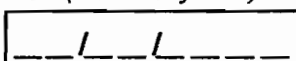
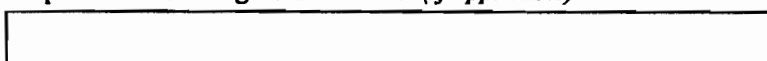
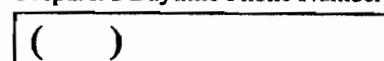
Preparer's Printed Name

Preparer's Signature

Date (Month/Day/Year)

Preparer's Firm or Organization Name (If applicable)

Preparer's Daytime Phone Number

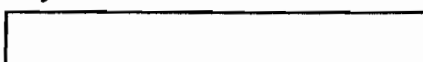
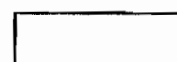
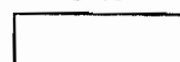




Preparer's Address - Street Number and Name

City

State

ZIP Code





Do Not Complete Parts 13 and 14 Until an INS Officer Instructs You To Do So**Part 13. Signature at Interview**

I swear (affirm) and certify under penalty of perjury under the laws of the United States of America that I know that the contents of this application for naturalization subscribed by me, including corrections numbered I through _____ and the evidence submitted by me numbered pages 1 through _____, are true and correct to the best of my knowledge and belief.

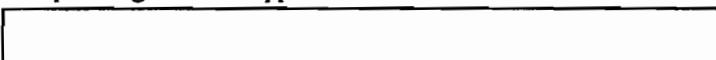
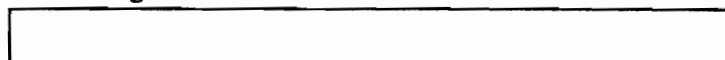
Subscribed to and sworn to (affirmed) before me

Officer's Printed Name or Stamp

Date (Month/Day/Year)

Complete Signature of Applicant

Officer's Signature



Part 14. Oath of Allegiance

If your application is approved, you will be scheduled for a public oath ceremony at which time you will be required to take the following oath of allegiance immediately prior to becoming a naturalized citizen. By signing, you acknowledge your willingness and ability to take this oath:

I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, of whom or which I have heretofore been a subject or citizen;

that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic;

that I will bear true faith and allegiance to the same;

that I will bear arms on behalf of the United States when required by the law;

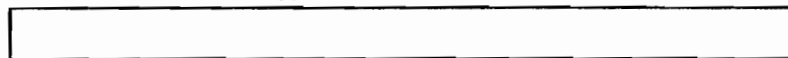
that I will perform noncombatant service in the Armed Forces of the United States when required by the law;

that I will perform work of national importance under civilian direction when required by the law; and

that I take this obligation freely, without any mental reservation or purpose of evasion; so help me God.

Printed Name of Applicant

Complete Signature of Applicant

N-400 Application, Part 10. Section D. Question 16.

Tayyab Rehan Siddiqui

A# 079659205

Why were you cited,	Date cited (Month/Day/Year)	Where were you cited? (City, State, Country)	Outcome or disposition of the citation (No charges filed, charges dismissed, jail, probation, etc.)
traffic citation for speeding	11/14/2001	Doraville, GA	paid traffic ticket
traffic citation for speeding	5/7/2001	Atlanta, GA	paid traffic ticket
traffic citation for minor accident	5/4/2001	Atlanta, GA	paid traffic ticket
traffic citation for speeding	1/20/2001	Boston, MA	paid traffic ticket
traffic citation for traffic light violation	Jun-98	St. Paul, MN	paid traffic ticket



Receipt with Exception			NOTICE DATE July 21, 2005
CASE TYPE N400 Application For Naturalization			INS # A 079 659 205
APPLICATION NUMBER ESC*001455637	RECEIVED DATE July 13, 2005	PRIORITY DATE July 13, 2005	PAGE 1 of 1
APPLICANT NAME AND MAILING ADDRESS TAYYAB REHAN SIDDIQUI 275 PARK AVE APT 10 ROCHESTER NY 14607		PAYMENT INFORMATION: Single Application Fee: \$390.00 Total Amount Received: \$390.00 Total Balance Due: \$0.00	

|||||

The above application has been received by our office and is in process, but has been noted with one or more of the following exception(s):

Missing Evidence(s) - your application was missing evidence(s) that you will need to provide at the time of your naturalization interview. You will be notified under separate notice of the necessary evidence(s) that you will be required to bring to your interview. Do not submit any evidence(s) by mail.

Our records indicate your personal information is as follows:
 Date of Birth: November 26, 1973
 Address Where You Live: 275 PARK AVE APT 10
 ROCHESTER NY 14607

Please verify your personal information listed above and immediately notify our office at the address or phone number listed below if there are any changes.

You will be notified of the date and place of your interview when you have been scheduled by the local INS office. You should expect to be notified within 365 days of this notice.

IMPORTANT NOTICE: All naturalization applicants who were between the ages of 14-75 at the time of filing must have their fingerprints taken at an INS Application Support Center (ASC) so they can be submitted to the Federal Bureau of Investigation for a criminal history check. If we received your application without a fingerprint card (FD-258), or your fingerprint card was received on or after December 3, 1997, you will need to go to an ASC to be fingerprinted. Do not have your fingerprints taken anywhere else. You will receive a notice that will provide you with information about when and where to go to have your fingerprints taken, and what you will need to bring with you. Please inform the office listed below immediately of any address changes.

If you have any questions or comments regarding this notice or the status of your case, please contact our office at the below address or customer service number. You will be notified separately about any other cases you may have filed.

If you have other questions about possible immigration benefits and services, filing information, or INS forms, please call the INS National Customer Service Center (NCSC) at 1-800-375-5283. If you are hearing impaired, please call the NCSC TDD at 1-800-767-1833.

If you have access to the Internet, you can also visit INS at www.ins.usdoj.gov. Here you can find valuable information about forms and filing instructions, and about general immigration services and benefits. At present, this site does not provide case status information.

INS Office Address: US IMMIGRATION AND NATURALIZATION SERVICE 75 LOWER WELDEN STREET ST ALBANS VT 05479-	INS Customer Service Number: (800) 375-5283 APPLICANT COPY
--------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------

ESC001432220





Fingerprint Notification

NOTICE DATE
September 06, 2005

CASE TYPE

N400 Application For Naturalization

INS A#
A 079 659 205

APPLICATION NUMBER
ESC*001455637

RECEIVED DATE
July 13, 2005

PRIORITY DATE
July 13, 2005

PAGE
1 of 1

APPLICANT NAME AND MAILING ADDRESS

TAYYAB REHAN SIDDIQUI
275 PARK AVE APT 10
ROCHESTER NY 14607



To process your application, INS must take your fingerprints and have them cleared by the FBI. **PLEASE APPEAR AT THE BELOW APPLICATION SUPPORT CENTER AT THE APPOINTED DATE AND TIME TO HAVE YOUR FINGERPRINTS TAKEN.** If you are unable to appear at this time, you may go on any following Wednesday at the same time noted below, as long as you appear before 12/30/2005. If you do not have your fingerprints taken by that date, your application will be considered abandoned.

APPLICATION SUPPORT CENTER

INS BUFFALO
130 DELAWARE AVENUE
BUFFALO NY 14202

DATE AND TIME OF APPOINTMENT

10/07/2005
02:00 PM

WHEN YOU GO TO THE APPLICATION SUPPORT CENTER TO HAVE YOUR FINGERPRINTS TAKEN, YOU MUST BRING:

1. **THIS APPOINTMENT NOTICE** and
2. **PHOTO IDENTIFICATION.** Naturalization applicants must bring their Alien Registration Card. All other applicants must bring a passport, driver's license, national ID, military ID, or State-issued photo ID. If you appear without proper identification, you will not be fingerprinted.

PLEASE DISREGARD THIS NOTICE IF YOUR APPLICATION HAS ALREADY BEEN GRANTED.

10/765
UNITED STATES
CITIZENSHIP AND IMMIGRATION SERVICES

WARNING!

Due to limited seating availability in our lobby areas, only persons who are necessary to assist with transportation or completing the fingerprint worksheet should accompany you.

If you have any questions regarding this notice, please feel free to call 1-800-375-5283.

UNITED STATES
CITIZENSHIP AND IMMIGRATION SERVICES

UNITED STATES
CITIZENSHIP AND IMMIGRATION SERVICES

UNITED STATES
CITIZENSHIP AND IMMIGRATION SERVICES

APPLICANT COPY



Department of Homeland Security
U.S. Citizenship and Immigration Services

Exhibit 5

N-652, Naturalization Interview Results

A#: 079 659 205

On 12/08/2005, you were interviewed by USCIS Office Montgomery.

- ☒ You passed the tests of English and U.S. history and government.
- ☐ You passed the test of U.S. history and government and the English language requirement was waived.
- ☐ USCIS has accepted your request for a Disability Exception. You are exempted from the requirement to demonstrate language ability and/or a knowledge of U.S. history and government.
- ☐ You will be given another opportunity to be tested on your ability to _____ speak / _____ read / _____ write _____ English.
- ☐ You will be given another opportunity to be tested on your knowledge of U.S. history and government.
- ☐ Please follow the instructions on Form N-14.
- ☒ USCIS will send you a written decision about your application.
- ☐ You did not pass the second and final test of your _____ English ability / _____ knowledge of U.S. history and government. You will not be rescheduled for another interview for this Form N-400. USCIS will send you a written decision about your application.

A) _____ Congratulations! Your application has been recommended for approval. At this time it appears that you have established your eligibility for naturalization. If final approval is granted, you will be notified when and where to rep the Oath Ceremony.

B) _____ A decision cannot yet be made about your application.

It is very important that you:

- ☒ Notify USCIS if you change your address.
- ☒ Come to any scheduled interview.
- ☒ Submit all requested documents.
- ☒ Send any questions about this application in writing to the officer named above. Include your full name, Alien Registration Number (A#), and a copy of this paper.
- ☒ Go to any oath that you are scheduled to attend.
- ☒ Notify USCIS as soon as possible in writing if you cannot come to any scheduled interview or oath ceremony. Include a copy of this paper and a copy of the scheduling notice.

NOTE: Please be advised that under section 336 of the Immigration and Nationality Act, you have the right to request a hearing before an immigration officer if your application is denied, or before the U.S. district court if USCIS had not made a determination on your application within 120 days of the date of your examination.

U.S. Department of Homeland Security
Federal Center
130 Delaware Avenue, First Floor
Buffalo, NY 14202



**U.S. Citizenship
and Immigration
Services**

Friday, February 24, 2006

PAYYAB REHAN SIDDIQUI
275 PARK AVE
APT 10
ROCHESTER NY 14607

Dear PAYYAB REHAN SIDDIQUI:

On 02/16/2006 you, or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

Caller indicated they are:	The applicant
Attorney Name:	Information not available
Case type:	N400
Filing date:	07/13/2005
Receipt #:	
Beneficiary (if you filed for someone else):	SIDDIQUI, PAYYAB, REHAN
Your USCIS Account Number (A-number):	A079659205
Type of service requested:	Case Status - Outside Processing Time

The status of this service request is:

The processing of your case has been delayed. A check of our records establishes that your case is not yet ready for decision, as the required investigation into your background remains open.

Until the background investigation is completed, we cannot move forward on your case. These background checks are required to be completed on all applicants who apply for the immigration benefit you are seeking. We will make every effort to make a decision on this case as soon as the background checks are complete. If you do not receive a decision or other notice of action from us within 6 months of this letter, please contact us by calling our customer service number provided below.

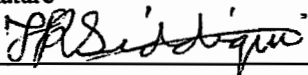
If you have any further questions, please call the National Customer Service Center at 1-800-375-5283.

Please remember: By law, every person who is not a U.S. citizen and who is over the age of 14 must also notify the Department of Homeland Security within 10 days from when they move (persons in "A" or "G" nonimmigrant status are exempt from this requirement). If you have moved, please complete a Form AR-11 and mail it to the address shown on that form. If you do not have this form, you can download it from our website or you can call the National Customer Service Center at 1-800-375-5283 and we can order one for you. If you move, please call us with your new address information as soon as your move is complete. If you have already called us and given us this information, you do not need to call again.

U.S. Citizenship and Immigration Services

Department of Homeland Security
U.S. Citizenship and Immigration Services

AR-11, Alien's Change of Address Card

Name (Last in CAPS)	(First Name)	(Middle Name)	I am in the United States as a:	
SIDDIQUI	Tayyab	Rehan	<input type="checkbox"/> Visitor	<input checked="" type="checkbox"/> Permanent Resident
			<input type="checkbox"/> Student	<input type="checkbox"/> Other _____ (Specify)
Country of Citizenship	Date of Birth (mm/dd/yyyy)	Copy Number From Alien Card		
Pakistan	11/26/1973	A 079-659-205		
Present Address (Street or Rural Route)	(City or Post Office)	(State)	(Zip Code)	
1414 Polk St	San Francisco	CA	94109	
(If the above address is temporary) I expect to remain there _____ Years _____ Months				
Last Address (Street or Rural Route)	(City or Post Office)	(State)	(Zip Code)	
97 W Summerset Ln Apt 2	Amherst	NY	14228	
I work for or attend school at: (Employer's Name or Name of School)				
Silverpoint, Inc.				
(Street Address or Rural Route)	(City or Post Office)	(State)	(Zip Code)	
330 Townsend St, Suite 102	San Francisco	CA	94107	
Port of Entry Into U.S.	Date of Entry Into U.S. (mm/dd/yyyy)	If not a Permanent Resident, my stay in the U.S. expires on: (Date - mm/dd/yyyy)		
Chicago, IL	05/13/2006			
Signature	Date (mm/dd/yyyy)			
	07/06/2006			

Form AR-11 (Rev. 01/20/06) Y

AR-11, Alien's Change of Address Card

This card is to be used by all aliens to report a change of address within ten days of such change.

The collection of this information is required by Section 265 of the Immigration and Nationality Act (8 U.S.C. 1305). The data is used by U.S. Citizenship and Immigration Services for statistical and record purposes and may be furnished to Federal, State, local and foreign law enforcement officials. Failure to report a change of address is punishable by fine or imprisonment and/or removal.

ADVISORY: This card is not evidence of identity, age or status claimed.

Public Reporting Burden. Under the Paperwork Reduction Act, an agency may not conduct or sponsor an information collection and a person is not required to respond to an information collection unless it displays a currently valid OMB control number. We try to create forms and instructions that are accurate, can be easily understood and that impose the least possible burden on you to provide us with information. Often this is difficult because some immigration laws are very complex. This collection of information is estimated to average five minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including reducing this burden to: U.S. Citizenship and Immigration Services, Regulatory Management Division, 111 Massachusetts Ave. N.W., Washington, D.C. 20529. Do not mail your completed form to this Washington, D.C. address.

Mail Your Form to the Address Shown Below:

Department of Homeland Security
U.S. Citizenship and Immigration Services
Change of Address
P.O. Box 7134
London, KY 40742-7134

For commercial overnight or fast freight
Department of Homeland Security
U.S. Citizenship and Immigration Services
Change of Address
1084-I South Laurel Road
London, KY 40742-7134

Department of Homeland Security
Federal Center
130 Delaware Avenue, First Floor
Buffalo, NY 14202



**U.S. Citizenship
and Immigration
Services**

Wednesday, August 9, 2006

TAYYAB SIDDIQUI
1414 POLK ST.
SAN FRANCISCO CA 94109

Dear TAYYAB SIDDIQUI:

On 07/28/2006 you, or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

Caller indicated they are:	The applicant
Attorney Name:	Information not available
Case type:	N400
Filing date:	07/15/2005
Receipt #:	ESC*001455637
Beneficiary (if you filed for someone else):	SIDDIQUI, TAYYAB
Your USCIS Account Number (A-number):	A079659205
Type of service requested:	Case Status - Outside Processing Time

The status of this service request is:

Recently, you called us to update your address. We have updated your address in our systems and on your application or petition. Thank you for notifying us of your change of address. If you change your address again in the future, please contact customer service at the number provided below.

The processing of your case has been delayed. A check of our records establishes that your case is not yet ready for decision, as the required investigation into your background remains open.

Until the background investigation is completed, we cannot move forward on your case. These background checks are required to be completed on all applicants who apply for the immigration benefit you are seeking. We will make every effort to make a decision on this case as soon as the background checks are complete. If you do not receive a decision or other notice of action from us within 6 months of this letter, please contact us by calling our customer service number provided below.

If you have any further questions, please call the National Customer Service Center at 1-800-375-5283.

Please remember: By law, every person who is not a U.S. citizen and who is over the age of 14 must also notify the Department of Homeland Security within 10 days from when they move (persons in "A" or "G" nonimmigrant status are exempt from this requirement). If you have moved, please complete a Form AR-11 and mail it to the address shown on that form. If you do not have this form, you can download it from our website or you can call the National Customer Service Center at 1-800-375-5283 and we can order one for you. If you move, please call us with your new address information as soon as your move is complete. If you have already called us and given us this information, you do not need to call again.

**U.S. Citizenship
and Immigration
Services**

TAYYAB SIDDIQUI
1414 POLK ST
SAN FRANCISCO CA 94109

File No. A79 659 205
App Id:
Date: February 5, 2008
Clerk: kc

CC:

1. [] At this time your file is being reviewed in another unit. Please allow us within 6 months to make a decision on your N400 applications.
2. [] We are still awaiting a response from the FBI. When the response has been received to the citizenship branch. Your case will be reviewed by an Immigration Officer.
3. [] Our records show that your case was denied on 1/7/05, and the notice was sent to the address on record. If you have any question please visit our Information Services at
444 Washington St. SF CA 94111.
4. [] We are unable to locate your application. Please submit a duplicate application with proof of payment (copy of front & back of the check or money order), a copy of your alien registration card to the address below.
5. [] We are unable to process your inquiry without your Alien Registration Number. Please provide your number: A.....and submit a copy of your alien registration card with this document to the address below.
6. [] Your new address has been changed. You will be scheduled for an interview within SIX months.
7. [] Our record shows that your case was administratively closed on 4/4/2002. From the date of closing you had one year to reopen your case. The Service did not receive any new information within the year. You will need to re-file a new N400.
8. [X] **Your file is in another unit at this time. Please allow us time to make decision.**
Thank you,

For future inquiries, address changes or to request forms, you may call the CIS National Customer Service Center at 1-800-375-5283. You can also visit the C.I.S. Information Unit at

444 Washington Street in San Francisco

UNITED STATES DEPARTMENT OF HOME SECURITY, Immigration and Citizenship Service, 630 Sansome Street,
Room 200, San Francisco, California 94111

M-180 (Rev. 01-31-01)Y (SFR/CB M180 08-15-94)

**Federal Bureau of Investigation***Washington, D.C. 20535*

February 21, 2008

MR. TAYYAB REHAN SIDDIQUI
1414 POLK STREET
SAN FRANCISCO, CA 94109

Request No.: 1110396- 000
Subject: SIDDIQUI, TAYYAB REHAN

Dear Requester:

This is in response to your Freedom of Information-Privacy Acts (FOIPA) request noted above.

To promptly respond to requests, we concentrate on identifying main files in the central records system at FBI Headquarters. No records responsive to your FOIPA request were located by a search of the automated indices.

You may file an administrative appeal by writing to the Director, Office of Information and Privacy, United States Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001, within sixty days from the date of this letter. The envelope and the letter should be clearly marked "Freedom of Information Appeal" or "Information Appeal." Please cite the FOIPA number assigned to your request so that it may be easily identified.

Enclosed for your information is a copy of the FBI File Fact Sheet.

Sincerely yours,

A handwritten signature in black ink, appearing to read "D. Hardy", is written over a horizontal line.

David M. Hardy
Section Chief,
Record/Information
Dissemination Section
Records Management Division

Enclosure

JS 44 (Rev. 12/07) (and rev 1-16-08)

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON PAGE TWO OF THE FORM.)

I. (a) PLAINTIFFS Tayyab Rehan Siddiqui	DEFENDANTS David Still, et al
(b) County of Residence of First Listed Plaintiff San Francisco, CA (EXCEPT IN U.S. PLAINTIFF CASES)	County of Residence of First Listed Defendant San Francisco, CA (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.
(c) Attorney's (Firm Name, Address, and Telephone Number) Pro Se Petitioner 1414 Polk St San Francisco, CA 94109 415-846-7918	Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)	III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)																
<input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<table style="width: 100%;"> <tr> <th style="text-align: left;">PTF</th> <th style="text-align: left;">DEF</th> <th style="text-align: left;">PTF</th> <th style="text-align: left;">DEF</th> </tr> <tr> <td>Citizen of This State <input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State <input type="checkbox"/> 1</td> <td>Citizen of Another State <input type="checkbox"/> 4</td> <td>Incorporated and Principal Place of Business In Another State <input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State <input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State <input type="checkbox"/> 2</td> <td>Citizen of Another State <input type="checkbox"/> 5</td> <td>Incorporated and Principal Place of Business In Another State <input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country <input type="checkbox"/> 3</td> <td>Foreign Nation <input type="checkbox"/> 3</td> <td>Citizen or Subject of a Foreign Country <input type="checkbox"/> 6</td> <td>Foreign Nation <input type="checkbox"/> 6</td> </tr> </table>	PTF	DEF	PTF	DEF	Citizen of This State <input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State <input type="checkbox"/> 1	Citizen of Another State <input type="checkbox"/> 4	Incorporated and Principal Place of Business In Another State <input type="checkbox"/> 4	Citizen of Another State <input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State <input type="checkbox"/> 2	Citizen of Another State <input type="checkbox"/> 5	Incorporated and Principal Place of Business In Another State <input type="checkbox"/> 5	Citizen or Subject of a Foreign Country <input type="checkbox"/> 3	Foreign Nation <input type="checkbox"/> 3	Citizen or Subject of a Foreign Country <input type="checkbox"/> 6	Foreign Nation <input type="checkbox"/> 6
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IV. NATURE OF SUIT (Place an "X" in One Box Only)			
CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS <table style="width: 100%;"> <tr> <td style="vertical-align: top;"> PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury </td> <td style="vertical-align: top;"> PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury — Med. Malpractice <input type="checkbox"/> 365 Personal Injury — Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability </td> </tr> </table> PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury — Med. Malpractice <input type="checkbox"/> 365 Personal Injury — Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability
PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury — Med. Malpractice <input type="checkbox"/> 365 Personal Injury — Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability		

FORFEITURE/PENALTY
☐ 610 Agriculture
☐ 620 Other Food & Drug
☐ 625 Drug Related Seizure of Property 21 USC 881
☐ 630 Liquor Laws
☐ 640 R.R. & Truck
☐ 650 Airline Regs.
☐ 660 Occupational Safety/Health
☐ 690 Other

LABOR
☐ 710 Fair Labor Standards Act
☐ 720 Labor/Mgmt. Relations
☐ 730 Labor/Mgmt. Reporting & Disclosure Act
☐ 740 Railway Labor Act
☐ 790 Other Labor Litigation
☐ 791 Empl. Ret. Inc. Security Act

IMMIGRATION
☒ 462 Naturalization Application
☐ 463 Habeas Corpus - Alien Detainee
☐ 465 Other Immigration Actions

V. ORIGIN (Place an "X" in One Box Only)	Transferred from Appeal to District
<input checked="" type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 another district (specify) <input type="checkbox"/> 6 Multidistrict Litigation <input type="checkbox"/> 7 Judge from Magistrate Judgment

VI. CAUSE OF ACTION	Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 8 U.S.C. 1447 (b) Brief description of cause: Inordinate and Lengthy Delay in the Adjudication of Naturalization Application
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VII. REQUESTED IN COMPLAINT:	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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VIII. RELATED CASE(S) IF ANY	PLEASE REFER TO CIVIL L.R. 3-42 CONCERNING REQUIREMENT TO FILE "NOTICE OF RELATED CASE".
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IX. DIVISIONAL ASSIGNMENT (CIVIL L.R. 3-2) (PLACE AND "X" IN ONE BOX ONLY)	<input checked="" type="checkbox"/> SAN FRANCISCO/OAKLAND <input type="checkbox"/> SAN JOSE
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 DATE
 February 29, 2008

SIGNATURE OF ATTORNEY OF RECORD

